

# House Amendment 8364

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1 1 Amend Senate File 2346, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 6, by inserting after line 18 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. Section 321.284, Code 2005, is amended  
1 6 to read as follows:  
1 7 321.284 OPEN CONTAINERS IN MOTOR VEHICLES ==  
1 8 DRIVERS.  
1 9 1. A driver of a motor vehicle upon a public  
1 10 street or highway shall not possess in the passenger  
1 11 area of the motor vehicle an open or unsealed bottle,  
1 12 can, jar, or other receptacle containing an alcoholic  
1 13 beverage. "Passenger area" means the area designed to  
1 14 seat the driver and passengers while the motor vehicle  
1 15 is in operation and any area that is readily  
1 16 accessible to the driver or a passenger while in their  
1 17 seating positions, including the glove compartment.  
1 18 An open or unsealed receptacle containing an alcoholic  
1 19 beverage may be transported in the trunk of the motor  
1 20 vehicle. An unsealed receptacle containing an  
1 21 alcoholic beverage may be transported behind the last  
1 22 upright seat of the motor vehicle if the motor vehicle  
1 23 does not have a trunk. A person convicted of a  
1 24 violation of this ~~section~~ subsection is guilty of a  
1 25 simple misdemeanor punishable as a scheduled violation  
1 26 under section 805.8A, subsection 14, paragraph "e".  
1 27 2. a. A peace officer shall make a reasonable  
1 28 effort to identify a person under the age of eighteen  
1 29 who violates subsection 1 and, if the person is not  
1 30 referred to juvenile court, the law enforcement agency  
1 31 of which the peace officer is an employee shall make a  
1 32 reasonable attempt to notify the person's custodial  
1 33 parent or legal guardian of the violation, whether or  
1 34 not the person is taken into custody, unless the  
1 35 officer has reasonable grounds to believe that  
1 36 notification is not in the best interests of the  
1 37 person or will endanger that person.  
1 38 b. The peace officer shall also make a reasonable  
1 39 effort to identify the elementary or secondary school  
1 40 which the person attends if the person is enrolled in  
1 41 elementary or secondary school and to notify the  
1 42 superintendent or the superintendent's designee of the  
1 43 school which the person attends, or the authorities in  
1 44 charge of the nonpublic school which the person  
1 45 attends, of the violation. If the person is taken  
1 46 into custody, the peace officer shall notify a  
1 47 juvenile court officer who shall make a reasonable  
1 48 effort to identify the elementary or secondary school  
1 49 the person attends, if any, and to notify the  
1 50 superintendent of the school district or the  
2 1 superintendent's designee, or the authorities in  
2 2 charge of the nonpublic school, of the violation. A  
2 3 reasonable attempt to notify the person includes but  
2 4 is not limited to a telephone call or notice by first=  
2 5 class mail.  
2 6 Sec. \_\_\_\_\_. Section 321.284A, Code 2005, is amended  
2 7 to read as follows:  
2 8 321.284A OPEN CONTAINERS IN MOTOR VEHICLES ==  
2 9 PASSENGERS.  
2 10 1. a. A passenger in a motor vehicle upon a  
2 11 public street or highway shall not possess in the  
2 12 passenger area of the motor vehicle an open or  
2 13 unsealed bottle, can, jar, or other receptacle  
2 14 containing an alcoholic beverage. "Passenger area"  
2 15 means the area of a motor vehicle designed to seat the  
2 16 driver and passengers while the motor vehicle is in  
2 17 operation and any area that is readily accessible to  
2 18 the driver or a passenger while in their seating  
2 19 positions, including the glove compartment. An open  
2 20 or unsealed receptacle containing an alcoholic  
2 21 beverage may be transported in the trunk of the motor  
2 22 vehicle. An unsealed receptacle containing an  
2 23 alcoholic beverage may be transported behind the last  
2 24 upright seat of the motor vehicle if the motor vehicle

2 25 does not have a trunk.  
2 26 ~~2- b.~~ This ~~section subsection~~ does not apply to a  
2 27 passenger being transported in a motor vehicle  
2 28 designed, maintained, or used primarily for the  
2 29 transportation of persons for compensation, or a  
2 30 passenger being transported in the living quarters of  
2 31 a motor home, manufactured or mobile home, travel  
2 32 trailer, or fifth-wheel travel trailer.  
2 33 ~~3- c.~~ A person convicted of a violation of this  
2 34 ~~section subsection~~ is guilty of a simple misdemeanor  
2 35 punishable as a scheduled violation under section  
2 36 805.8A, subsection 14, paragraph "e".  
2 37 ~~4- d.~~ The department shall not include a  
2 38 conviction for a violation of this ~~section subsection~~  
2 39 on the individual driving record of the person  
2 40 committing the violation and the conviction shall not  
2 41 be considered by the department in any proceeding for  
2 42 suspension, revocation, barring, or denying of the  
2 43 person's driver's license or upon any application for  
2 44 renewal of driving privileges.  
2 45 2. a. A peace officer shall make a reasonable  
2 46 effort to identify a person under the age of eighteen  
2 47 who violates subsection 1 and, if the person is not  
2 48 referred to juvenile court, the law enforcement agency  
2 49 of which the peace officer is an employee shall make a  
2 50 reasonable attempt to notify the person's custodial  
3 1 parent or legal guardian of the violation, whether or  
3 2 not the person is taken into custody, unless the  
3 3 officer has reasonable grounds to believe that  
3 4 notification is not in the best interests of the  
3 5 person or will endanger that person.  
3 6 b. The peace officer shall also make a reasonable  
3 7 effort to identify the elementary or secondary school  
3 8 which the person attends if the person is enrolled in  
3 9 elementary or secondary school and to notify the  
3 10 superintendent or the superintendent's designee of the  
3 11 school which the person attends, or the authorities in  
3 12 charge of the nonpublic school which the person  
3 13 attends, of the violation. If the person is taken  
3 14 into custody, the peace officer shall notify a  
3 15 juvenile court officer who shall make a reasonable  
3 16 effort to identify the elementary or secondary school  
3 17 the person attends, if any, and to notify the  
3 18 superintendent of the school district or the  
3 19 superintendent's designee, or the authorities in  
3 20 charge of the nonpublic school, of the violation. A  
3 21 reasonable attempt to notify the person includes but  
3 22 is not limited to a telephone call or notice by first=  
3 23 class mail.>  
3 24 #2. Page 7, by inserting after line 15 the  
3 25 following:  
3 26 <Sec. . Section 805.8A, subsection 14,  
3 27 paragraph e, Code Supplement 2005, is amended to read  
3 28 as follows:  
3 29 e. OPEN CONTAINER VIOLATIONS. For violations  
3 30 under ~~sections~~ section 321.284, subsection 1, and  
3 31 section 321.284A, subsection 1, the scheduled fine is  
3 32 one hundred dollars.>  
3 33 #3. Title page, line 3, by inserting after the  
3 34 word <age,> the following: <providing for parental  
3 35 and school notification regarding open container  
3 36 violations committed by persons under age eighteen,>.  
3 37 #4. By renumbering as necessary.  
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3 41 ALONS of Sioux  
3 42 SF 2346.203 81  
3 43 dea/sh/3270